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EXAMINER

MOYER, MICHAEL J

ART UNIT

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/ 2

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 10

Application Number: 09/524,029
Filing Date: March 13, 2000
Appellant(s): BELL, CYNTHIA S.

Timothy N. Trop, Reg. No. 28,994
For Appellant

EXAMINER'S ANSWER

MAILED
FEB 11 2003
Technology Center 2600

This is in response to the appeal brief filed on 6 November 2002.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 1-3, 5-17, and 21-23 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

5,760,760	HELMS	6-1998
5,589,934	HOSOI et al.	12-1996

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1 and 21-22 are rejected under 35 U.S.C. 103. This rejection is set forth in prior Office Action, Paper No. 5.

Claim 8 is rejected under 35 U.S.C. 102. This rejection is set forth in prior Office Action, Paper No. 5.

(11) Response to Argument

With regards to arguments page 9, subtitled A. "*Is Claim 1 obvious over Helms in view of Hosoi?*" of Appeal Brief: it appears the Appellant is arguing that the secondary reference Hosoi et al. is used for image capture and not for display brightness control and that Hosoi et al. cannot be directly incorporated into Helms.

First, Helms teaches all of claim 1 with an indicator (signal AL, fig. 2) which is indicative of the ambient light condition, sensors (photodetector 14) wherein the system performs automatic brightness control (see col. 3, lines 10-15)

Helms does not show how photodetector 14 operates. Note that the output of photodetector 14 is an analog signal indicating ambient brightness level. This analog signal suggests accumulation of energy over time (integration time period) that is, to determine the ambient level as an analog value. The sensor must accumulate charge unlike a digital sensor which would be on/off.

Hosoi is added to simply provide a more detailed possible operation of the photodetector 14 of Helms.

Also Note:

1. Since the output of photodetector 14 of Helms is an analog signal inputted into an A/D converter it is obvious that the sensor of Hosoi (comprising elements 40, 42, 44 and 46) corresponds to photodetector 14 of Helms, since the sensor of Hosoi also inputs a signal into A/D converter 50.

2. Also, Hosoi does teach a sensor for adjusting the brightness of a display using detectors 16, 54, and 56 to control the brightness of display 14 (see fig. 3). Note that Hosoi teaches that "the function of photoelectric converter element 16 may be performed by light measurement photoelectric converter element 40..." (see col. 3, lines 2-4 of Hosoi).

With regards to argument page 10, subtitled B. "*Is Claim 8 Anticipated by Helms?*" of Appeal Brief:

First none of what Appellant is arguing is claimed in claim 8.

Second, it appears Appellant's argument that Helms uses a LUT only supports the rejection of claim 8 under 35 U.S.C 102 over Helms since Appellant's specification also uses a LUT (even though LUT is not claimed in claim 8).

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With regards to argument page 11, subtitled C. *"Is Claim 21 obvious over Helms in view of Hosoi?"* The imager can be construed as any of the light sensors or photodetectors. It appears Appellant is suggesting that the imager is capturing an image. However, it appears from claim 21 that the imager is simply an ambient light detector as are the detectors of Helms (14) and Hosoi (40, 42 and/or 16, 54).

As to claim 22 see Helms, which performs automatic brightness control of a display, see col. 2, lines 10-15.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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Examiner
Art Unit 2675

MJM
February 10, 2003

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